



Substitute House Bill No. 6328

Public Act No. 09-129

***AN ACT CONCERNING CUSTOMER ACCESS TO RESTROOMS IN
RETAIL ESTABLISHMENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this section:

(1) "Customer" means an individual who is lawfully on the premises of a retail establishment;

(2) "Eligible medical condition" means Crohn's disease, ulcerative colitis, inflammatory bowel disease, irritable bowel syndrome, celiac disease or a medical condition that requires use of an ostomy device;

(3) "Licensed health care provider" means a physician or a physician assistant licensed under chapter 370 of the general statutes or an advanced practice registered nurse licensed under chapter 378 of the general statutes;

(4) "Restroom" means a room containing a toilet; and

(5) "Retail establishment" means a place of business open to the general public for the sale of goods or services.

(b) Any retail establishment that has a restroom for employee use,

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which typically does not permit customer access to such employee restroom, shall permit a customer to use the employee restroom during normal business hours if the restroom is maintained in a reasonably safe manner and all of the following conditions are met:

(1) The customer requesting access to the employee restroom presents written evidence, issued by a licensed health care provider, that documents that the customer suffers from an eligible medical condition;

(2) A public restroom is not immediately accessible to the customer;

(3) At the time that the request for access to the employee restroom is made, three or more employees of the retail establishment are working; and

(4) The employee restroom is located in an area of the retail establishment that does not present an obvious risk to the health or safety of the customer or an obvious security risk to the retail establishment.

(c) A retail establishment or employee of a retail establishment shall not be liable for any acts or omissions in providing a customer access to an employee restroom pursuant to the provisions of this section, if such acts or omissions: (1) Do not constitute gross, wilful or wanton negligence on the part of the retail establishment or employee of the retail establishment; (2) occurred in an area of the retail establishment that is not otherwise accessible to customers; and (3) resulted in injury or death of a customer or individual other than an employee accompanying the customer to the restroom.

(d) No retail establishment shall be required to make a physical change to the employee restroom to effectuate the purposes of this section.

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(e) Any violation of subsection (b) of this section shall be an infraction.

Approved June 18, 2009